

COMMENTS ON THE REPORT OF A DEMONSTRATION PROJECT USING SENIOR CITIZENS AS VISITATION SUPERVISORS

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The *executive summary* presented elsewhere in this volume reports on a demonstration program for providing and evaluating supervised child access in Santa Clara County. This program was funded by the California Judicial Council's Family Court Services Grant Program for which the first author of these *comments* serves as program manager.¹

Supervised child access, also known as supervised visitation, is found when a serious question has been raised about the *safety* of the child if left alone with the non-custodial parent. With *supervised child access*, visitation by a non-custodial parent is limited by the court to situations in which a third person is present. As reported in a recent review article², there has been a recent, rapid increase nationally in services to provide supervised child access; most programs in existence in 1994 were less than three years old from inception. This is due to the relative increase in access disputes, the complexity of the issues presented by many families, and the severity of the risks to child and parental safety presented by these families.

The *objective* for establishing the supervised child access project in Santa Clara was similar to the goals of such programs across the county. This was providing a way to safely maintain contact between the child and the non-custodial parent in situations in which unsupervised contact posed a perceived risk to the safety of the child and the family. Thus the program was designed to ensure the safety of the child and family when there was:

- an alleged risk to the child, thus supervised child access allows the non-custodial parent to continue, or temporarily resume, contact while an evaluation proceeds;
- a need to assess an alcohol- or drug-involved non-custodial parent at the start of a visit (in the case where the parent can manage a good relationship with the child when sober); or
- a risk of domestic violence occurring when children transfer between their separated parents.

Common to all of these situations is the tension between very difficult alternatives:

- cessation of contact with a non-custodial parent; or
- maintaining contact with a potential risk of harm to the child and/or the custodial parent.

Supervised child access was to provide a third and better option. Additionally, in the Santa Clara project, like many others around the nation, supervisors kept records of observations, and provided copies of notes or summary reports to courts, evaluators, and involved mental health professionals. By documenting the interaction between each parent and the child within the supervised setting, the court and other evaluators gain valuable information. At the same time, the non-custodial parent is protected against false accusations while the custodial parent is reassured of the child's safety.

ISSUES RAISED BY SUPERVISED CHILD ACCESS

By providing neutrality and safety for both parents and the child, supervised child access is used to buy time for evaluation and intervention. It is also sometimes used as a long-term alternative to interrupting (or terminating) a parent-child relationship. *The implicit assumption in this discussion is that, absent clear evidence that all contact should be cut off, the interests of children are served by maintaining contact with the non-custodial parent, provided that such contact is safe.* It is not clear, however, how far this assumption should be taken. For example, in the literature on child sexual abuse, supervised visitation has been discussed as one method for providing a corrective emotional experience. The assumption is made that contact in a safe setting may allow a child to come to terms with the abusive parent and may serve to avoid destructive repetitions later in life (Kalter, 1990). There are no commonly agreed upon criteria in deciding when access should be terminated, and the decision to terminate all contact is a difficult one.

The Santa Clara County Demonstration Program attempted to answer questions about the effects upon children of supervised visitation by including a research component. This research was designed to formally assess the effect on the child of the supervised visitation with the non-custodial parent. The original research plan called for assessing 200 experimental group and 200 control group subjects. Due to various difficulties encountered, only 20 experimental and 10 control group children were fully assessed, although many more were served by the program. In addition to the inadequate number of assessments, other operational problems occurred in the course of the research that rendered inconclusive the results of the comparison of experimental and control group subjects. Nevertheless, the findings

from the Santa Clara Program's limited outcome study were that children who were allegedly abused comprised the majority of the "negative change" group and none of the "improved group." One must keep in mind that the Santa Clara Program was used to provide supervised visitation during an approximately six-month long period during which evaluation was being conducted. Therefore, it is not known how these children fared over time. Still, these findings underscore the need to further investigate through carefully conducted outcome research the effect of supervised visitation upon children who have allegedly been abused by the non-custodial parent. Finally, there is a pressing need for more comprehensive research on the characteristics of supervised child access programs and services, their costs, and especially regarding the outcomes of using their services for children, their parents, and the court system.

Since the grant ended, the Santa Clara County Supervised Visitation Program has undergone several changes. It was most recently housed by the YMCA in Santa Clara and like most supervised visitation programs struggles to obtain sufficient funding to continue.

OTHER SUPERVISED VISITATION PROGRAMS IN CALIFORNIA

The list of programs shown below is not intended to be exhaustive; rather, it is illustrative of the various forms such programs can take. For example, some programs operate with a small core staff supplemented by volunteers who directly provide supervision services at a central location. Other programs serve primarily as referral and administrative clearinghouses and to provide support and liaison to the court. Similarly, training and fees of supervisors vary. Such issues, particularly regarding the appropriate training level for supervisors, are central to the evolution of supervised access services. Client fees are generally assessed on a sliding scale, and vary greatly across programs. It appears that for most programs, however, fees for service cover less than half of the operating expenses. The remaining expenses are covered by grant funding, courts, and other community agencies. Funding for these programs thus remains problematic.

Los Angeles County: Though the Child Visitation Monitor Program in Los Angeles County began early this year with new training requirements. The court has maintained a list of court monitors for supervised visitation for nearly 12 years, however. The litigants are responsible to pay the monitors fees on a sliding scale from no charge up to \$35 an hour with a two-hour minimum. Under the new program, however, monitors are encouraged to provide pro bono hours to those unable to afford the regular fees. A mandatory 10-hour training provided over a two day period giving practical training on monitoring is required of every

monitor. The program obtains referrals through the courts. The monitor lists are available in most courtrooms, offices of the Conciliation Courts, and the Family Law Electronic Bulletin Board. Feedback is provided to the courts as necessary--usually when a problem occurs during a visit. In some cases, written reports are submitted to the courts. Plans are now being made to conduct a survey about the individual monitors and to establish a review committee to investigate complaints. For more information, contact David Kuroda at (213) 974-5524.

San Bernardino County: The Society's League Against Molestation (SLAM) Supervised Visitation program in San Bernardino County began in 1987. It receives its funding from donations from the bar. Referrals are obtained by court order. The supervisors are volunteers and receive their initial training from Family Court Services. When supervisors witness a problem in a particular case, feedback is provided to the court. Subsequently, the case may be excluded from the program. For more information, contact Karen Coleman at (619) 823-5501.

San Francisco County: The office and work sites for the Rally Project in San Francisco are donated by and housed in St. Francis Memorial Hospital. The program was created in 1991. The Hospital Volunteer Coordinator acts as liaison to the Rally Project and also helps to refer volunteers from the hospital volunteer pool. The volunteers are trained by the director and assistant director who are paid employees. The visitation supervisors, however, are unpaid volunteers. The fee for the service is \$5.00 per hour. The program is currently funded by the San Francisco Superior Court, from donations and grants, and fees for services received from the clients. Referrals are obtained through San Francisco Superior Court, Office of Family Court Services. No walk-ins are permitted. For more information, contact Nadine Blaschak-Brown at (415) 353-6595.

San Mateo County: The Family Service Agency and Family Visitation Center in San Mateo County began in 1991. The program began with over \$200K of private funds and currently relies on public and private funds, including funds from the San Mateo County Probation Department, San Mateo County Human Service Agency, and grants from various agencies. Referrals are received from a variety of sources, including family law attorneys, the family law bench, Family Court Services, Child Protective Services, and various other agencies and individuals. The staff includes a full-time director, assistant director, and a part-time administrative assistant. There is also a large group of student interns and some community volunteers. Supervisors are trained by the Family Service Agency, using video tapes and other instructional materials provided to them by the courts. The visiting parent pays the supervisor a fee between \$5 and \$72 according to a sliding-fee scale. For more information, contact Gene A. Roh at (415) 363-4561.

Sonoma County: The Sonoma County Legal Services Foundation Supervised Visitation Referral Project began late in 1994. Attorneys contact the foundation for the referral list of supervisors and are responsible for contacting the potential supervisors and making arrangements for days, times, and the location of the visits. If an attorney is not involved in a particular case, the foundation staff aids the parties in establishing contact with the supervisors. The program is funded by the clients. The supervisors are paid \$10.00 per hour directly by the parties prior to each visit with a minimum fee of \$25.00 per visit. The foundation also charges the noncustodial parent a one-time \$10.00 fee (which may be waived for hardship). The Sonoma County Legal Services Foundation also maintains a referral list of supervisors for use in cases with allegations of abuse, molestation, or the likelihood of flight. This referral list consists of individuals who have had experience dealing with parents and children in crisis. For more information, contact Toni Novak at (707) 546-2924.

Trinity County: The Human Response Network Family Support Program in Trinity County is a private, nonprofit agency. The program obtains referrals from other agencies and from interested parties. The supervisors are hired and trained by the staff supervisor. Feedback is provided to the court and the program also provides reports to the referring agencies. For more information, contact Jerry Cousins, at (916) 623-2024.

THE SUPERVISED VISITATION NETWORK

The Supervised Visitation Network (SVN) was formed in 1992 to improve the exchange of information among programs. The network is an international association of agencies and individuals involved with supervised visitation or “access” services. SVN members include direct service providers, judges, attorneys, mediators, guardians, and other agencies and individuals who refer clients for services. SVN convenes annual membership conferences. For more information, call (602) 792-1785.

NOTES

REFERENCES

Kalter, N. (1990). *Growing up with divorce: Helping your child avoid immediate and late emotional problems*. New York: Free Press.

Straus, R.B. & Alda, E. (1994). Supervised Child Access. *Family and Conciliation Courts Review* 32(2), 230-246.

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¹ In California, legal precedents to *supervised child access* are contained in Family Code sections 3020 and 3100. Section 3020 provides that when parents have separated or dissolved their marriage, it is the state's public policy to assure minor children frequent and continuing contact with both parents, except when the contact would not be in the best interest of the child. Section 3100 states that if a protective order has been directed to a parent, the court shall consider whether the best interest of the child requires that any visitation by that parent shall be limited to situations in which a third person, specified by the court, is present or whether visitation shall be suspended or denied.

²See Straus and Alda (1994).